



## Senate

General Assembly

**File No. 386**

January Session, 2009

Substitute Senate Bill No. 149

*Senate, April 1, 2009*

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT AUTHORIZING THE CITY OF NEW HAVEN TO CONDUCT A PILOT PROGRAM FOR THE USE OF AUTOMATED TRAFFIC CONTROL SIGNAL ENFORCEMENT DEVICES AT CERTAIN INTERSECTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (*Effective October 1, 2009*) (a) For the purposes of sections 1  
2       to 6, inclusive, of this act, "automated traffic control signal enforcement  
3       device" means a device that (1) is designed to automatically record the  
4       image of the license plate of a motor vehicle that is entering an  
5       intersection in violation of a traffic control signal, and (2) indicates on  
6       the recorded image produced the date, time and location of the  
7       violation and the traffic control signal.

8       (b) The city of New Haven, with the authorization of the mayor and  
9       the board of aldermen, may conduct a two-year pilot program for the  
10      installation and use of automated traffic control signal enforcement  
11      devices, at not more than twelve intersections selected by the city, to  
12      enforce the provisions of section 14-299 of the general statutes, and

13 may establish a fine not to exceed one hundred dollars for any  
14 violation of said section 14-299 that is detected and recorded by such  
15 device. All costs of the pilot program shall be paid by the city of New  
16 Haven.

17 (c) Prior to the commencement of such pilot program, the city shall  
18 prepare a detailed plan for the operation of the pilot program that shall  
19 include the objectives of the program, the name and location of the  
20 intersections where an automated traffic control signal enforcement  
21 device will be used, and the methods and criteria that will be used to  
22 evaluate the results of such program and its success in achieving such  
23 objectives. The plan shall be submitted to the Department of Public  
24 Safety for its review, comments and recommendations. Within thirty  
25 days following the receipt of such plan, the Commissioner of Public  
26 Safety shall issue the city of New Haven an official letter of approval  
27 for the pilot program. The city of New Haven shall conduct the pilot  
28 program in accordance with the plan approved by the commissioner.  
29 Upon receipt of the letter of approval, the city shall send a copy of such  
30 plan and letter of approval to the Department of Transportation, and  
31 shall report the location where each such automated traffic control  
32 signal enforcement device will be installed and used to the State Traffic  
33 Commission.

34 Sec. 2. (*Effective October 1, 2009*) (a) Whenever a violation of section  
35 14-299 of the general statutes is detected and recorded by an  
36 automated traffic control signal enforcement device, a sworn police  
37 officer shall review the recorded image. If, after such review, such  
38 officer finds probable cause that a violation of section 14-299 of the  
39 general statutes has occurred, the officer shall issue a citation for such  
40 alleged violation and shall, not later than five days after the alleged  
41 violation, mail such citation to the registered owner or the lessee of the  
42 motor vehicle together with a copy of the recorded image or images  
43 produced by the device. A citation shall not be issued under this  
44 subsection unless a sign was posted on the street, road or highway  
45 where the automated traffic control signal enforcement device was  
46 used, not less than thirty days prior to such use, providing notice to

47 operators of motor vehicles that such device may be used to enforce  
48 traffic control signal laws on such street, road or highway.

49 (b) Any automated traffic control signal enforcement device used by  
50 the city of New Haven pursuant to this section shall: (1) Be activated  
51 and record images only upon detecting the approach of a motor  
52 vehicle and a probable violation, and (2) be used only at an intersection  
53 where the duration of the yellow signal light is no less than the  
54 duration of the yellow signal light recommended under regulations  
55 adopted by the State Traffic Commission.

56 (c) One-half of any fine collected by the city of New Haven pursuant  
57 to this section shall be deposited in the general fund of the city or in  
58 any special fund or account of the city, as determined by the mayor  
59 and the board of aldermen, and one-half shall be paid to the State  
60 Treasurer for deposit in the Special Transportation Fund.

61 Sec. 3. (*Effective October 1, 2009*) (a) The city of New Haven shall  
62 establish by ordinance a traffic control signal violation hearing  
63 procedure in accordance with this section. The Superior Court shall be  
64 authorized to enforce the assessments and judgments provided for  
65 under this section.

66 (b) The mayor of New Haven shall appoint one or more traffic  
67 control signal violation hearing officers, other than police officers or  
68 persons who work in the police department, to conduct the hearings  
69 authorized by this section.

70 (c) The city of New Haven may, not later than twelve months after  
71 the expiration of the final period for the uncontested payment of fines,  
72 penalties, costs or fees for any alleged violation of section 14-299 of the  
73 general statutes detected and recorded by an automated traffic control  
74 signal enforcement device pursuant to section 2 of this act, send notice  
75 to the registered owner or the lessee of the motor vehicle by first class  
76 mail at such person's address according to the registration records of  
77 the Department of Motor Vehicles or the records of the lessor,  
78 respectively. Such notice shall inform the owner or lessee: (1) Of the

79 allegations against such person and the amount of the fines, penalties,  
80 costs or fees due; (2) that such person may contest such person's  
81 liability before a traffic control signal violations hearing officer by  
82 delivering in person or by mail written notice not later than ten days  
83 after the date thereof; (3) that if such person does not demand such a  
84 hearing, an assessment and judgment shall enter against such person;  
85 and (4) that such judgment may issue without further notice.

86 (d) If the person to whom notice is sent pursuant to subsection (c) of  
87 this section wishes to admit liability for any alleged violation, such  
88 person may, without requesting a hearing, pay, in person or by mail to  
89 an official designated by the city of New Haven, the full amount of the  
90 fines, penalties, costs or fees admitted to. Such payment shall be  
91 inadmissible in any proceeding, civil or criminal, to establish the  
92 conduct of such person or other person making the payment. Any  
93 person who does not deliver or mail written demand for a hearing by  
94 the tenth day after the date of the first notice provided for in  
95 subsection (c) of this section shall be deemed to have admitted liability,  
96 and the designated city official shall certify such person's failure to  
97 respond to the hearing officer. The hearing officer shall thereupon  
98 enter and assess the fines, penalties, costs or fees provided for by the  
99 applicable ordinances and shall follow the procedures set forth in  
100 subsection (f) of this section.

101 (e) Any person who requests a hearing shall be given written notice  
102 of the date, time and place for the hearing. Such hearing shall be held  
103 not less than fifteen days or more than thirty days after the date of the  
104 mailing of notice, provided the hearing officer shall grant upon good  
105 cause shown any reasonable request by any interested party for  
106 postponement or continuance. An original or certified copy of the  
107 initial notice of violation shall be filed and retained by the  
108 municipality, be deemed to be a business record within the scope of  
109 section 52-180 of the general statutes and be evidence of the facts  
110 contained therein. A person wishing to contest such person's liability  
111 shall appear at the hearing and may present evidence in such person's  
112 behalf. The presence of the police officer who authorized the issuance

113 of the citation shall be required at the hearing if such person so  
114 requests. A designated city official, other than the hearing officer, may  
115 present evidence on behalf of the city. If such person fails to appear,  
116 the hearing officer may enter an assessment by default against such  
117 person upon a finding of proper notice and liability under the  
118 applicable ordinance or statute. The hearing officer may accept from  
119 such person copies of police reports, documents of the Department of  
120 Motor Vehicles and other official documents by mail and may  
121 determine thereby that the appearance of such person is unnecessary.  
122 The hearing officer shall conduct the hearing in the order and form  
123 and with such methods of proof as the hearing officer deems fair and  
124 appropriate. The rules regarding the admissibility of evidence shall not  
125 be strictly applied, but all testimony shall be given under oath or  
126 affirmation. The hearing officer shall announce the hearing officer's  
127 decision at the end of the hearing. If the hearing officer determines that  
128 the person is not liable, the hearing officer shall dismiss the matter and  
129 enter the hearing officer's determination in writing accordingly. If the  
130 hearing officer determines that the person is liable for the violation, the  
131 hearing officer shall forthwith enter and assess the fines, penalties,  
132 costs or fees against such person as provided by the applicable  
133 ordinances of that municipality.

134 (f) If such assessment is not paid on the date of its entry, the hearing  
135 officer shall send by first class mail a notice of the assessment to the  
136 person found liable and shall file, not less than thirty days or more  
137 than twelve months after such mailing, a certified copy of the notice of  
138 assessment with the clerk of a superior court facility designated by the  
139 Chief Court Administrator with an entry fee of eight dollars. The  
140 certified copy of the notice of assessment shall constitute a record of  
141 assessment. Within such twelve-month period, assessments against the  
142 same person may be accrued and filed as one record of assessment.  
143 The clerk shall enter judgment, in the amount of such record of  
144 assessment and court costs of eight dollars, against such person in  
145 favor of the municipality. Notwithstanding any provision of the  
146 general statutes, the hearing officer's assessment, when so entered as a  
147 judgment, shall have the effect of a civil money judgment and a levy of

148 execution on such judgment may issue without further notice to such  
149 person.

150 (g) A person against whom an assessment has been entered  
151 pursuant to this section is entitled to judicial review by way of appeal.  
152 An appeal shall be instituted not later than thirty days after the  
153 mailing of notice of such assessment by filing a petition to reopen such  
154 assessment, together with an entry fee in an amount equal to the entry  
155 fee for a small claims case pursuant to section 52-259 of the general  
156 statutes, at a superior court facility designated by the Chief Court  
157 Administrator, which shall entitle such person to a hearing in  
158 accordance with the rules of the judges of the Superior Court.

159 Sec. 4. (*Effective October 1, 2009*) Notwithstanding any provision of  
160 the general statutes, a violation of section 14-299 of the general statutes  
161 detected and recorded by an automated traffic control signal  
162 enforcement device pursuant to section 2 of this act shall not constitute  
163 an infraction or violation, be processed by the Centralized Infractions  
164 Bureau, be considered a moving traffic violation, be reported to the  
165 Department of Motor Vehicles for inclusion on a person's driving  
166 record or cause the assessment of points against the operator's license  
167 of the person found to have violated said section.

168 Sec. 5. (*Effective October 1, 2009*) For the purposes of sections 1 to 6,  
169 inclusive of this act, whenever a violation of section 14-299 of the  
170 general statutes occurs, proof of the registration number of any motor  
171 vehicle involved in such violation shall be prima facie evidence that  
172 the owner of such vehicle was the operator of such vehicle at the time  
173 such violation occurred, except in the case of a leased or rented motor  
174 vehicle, such proof shall be prima facie evidence that the lessee was the  
175 operator of such vehicle at the time such violation occurred.

176 Sec. 6. (*Effective October 1, 2009*) Not later than June 30, 2012, the city  
177 of New Haven shall submit a report to the General Assembly, in  
178 accordance with the provisions of section 11-4a of the general statutes,  
179 concerning the conduct and results of such pilot program. Such report  
180 shall include a comparison and analysis of: (1) The number of

181 violations of section 14-299 of the general statutes that occurred at the  
 182 intersections where such automated traffic control signal enforcement  
 183 devices were used, prior to and during the use of such enforcement  
 184 devices; (2) the number and type of related traffic violations and  
 185 accidents that occurred at such intersections prior to and during the  
 186 use of such enforcement devices; and (3) the number of violations of  
 187 section 14-299 of the general statutes and related violations and  
 188 accidents that occurred at intersections where such control signal  
 189 enforcement devices were used and at similar intersections where such  
 190 automated traffic control signal enforcement devices were not used.  
 191 The report shall also describe situations in which camera results could  
 192 not be used, or were not used; the number of leased, out-of-state or  
 193 other vehicles, including trucks, where enforcement efforts were  
 194 unsuccessful; the amount of revenue from fines retained by the city;  
 195 the cost of such pilot program to the city, and such other data or  
 196 comparisons deemed of interest or importance by the city.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section

**TRA**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Treasurer	TF - Revenue Gain	Indeterminate	Indeterminate

Note: TF=Transportation Fund

#### ***Municipal Impact:***

Municipalities	Effect	FY 10 \$	FY 11 \$
New Haven	Revenue Gain/Cost	Indeterminate	Indeterminate

### ***Explanation***

The bill authorizes a pilot program of automated speed enforcement in New Haven. It allows the city to establish a fine of up to \$100 for any violation captured by the automated device(s). The revenues from these fines would be deposited into the general fund or any special revenue fund designated by New Haven in accordance with the bill.

It is uncertain if the revenues generated by any such device(s) and collected by New Haven would exceed the capital and operating costs necessary to support the devices and associated administrative costs to process violations.

In accordance with the bill, one-half the revenue generated would be remitted to the state's Transportation Fund.

### ***The Out Years***

The annualized ongoing costs indicated above would continue into the future subject to inflation; the annualized ongoing revenue would depend upon the number of devices posted but would otherwise remain constant since fines cannot be more than \$100 under the bill.



**OLR Bill Analysis****sSB 149*****AN ACT AUTHORIZING THE CITY OF NEW HAVEN TO CONDUCT A PILOT PROGRAM FOR THE USE OF AUTOMATED TRAFFIC CONTROL SIGNAL ENFORCEMENT DEVICES AT CERTAIN INTERSECTIONS.*****SUMMARY:**

This bill establishes a two-year pilot program for New Haven to implement and evaluate the use of automated image-based enforcement of traffic light violations at up to 12 signalized intersections in the city. It establishes (1) procedures for locally adjudicating any citations issued and (2) a fine of up to \$100 for red light violations prosecuted through the pilot program. New Haven is authorized to retain one-half of the fine and must remit the other half to the state treasurer for deposit in the Special Transportation Fund. A sworn police officer must review any recorded images produced under the program before any citation may be issued. The bill requires New Haven to bear all the program's costs.

Both the mayor and the board of aldermen must authorize the pilot program. The city must prepare a detailed program plan that must be submitted to the Department of Public Safety (DPS) for review, comments, and recommendations. The public safety commissioner has 30 days to approve the plan. When approved, the city must provide a copy of the plan and approval to the Department of Transportation (DOT) and must report the locations of the automated enforcement intersections to the State Traffic Commission (STC).

After two years, New Haven must evaluate the pilot program in several specific respects and submit a report to the General Assembly no later than June 30, 2012.

The bill prohibits a violation handled as part of the pilot program from being (1) considered an infraction or violation under state law, (2) processed by the Centralized Infractions Bureau, (3) considered a moving traffic violation, (4) reported to the Department of Motor Vehicles (DMV) for inclusion in a driving record, or (5) eligible for driver's license point assessment.

EFFECTIVE DATE: October 1, 2009

### **PROGRAM SPECIFICS**

The bill defines an "automated traffic control signal enforcement device" as a device that (1) automatically records the image of the license plate of a motor vehicle entering an intersection in violation of a traffic control signal and (2) shows on the recorded image the date, time, and location of the violation and the traffic control signal. For purposes limited only to the duration of the pilot program, the bill specifies that whenever a traffic signal violation is detected by the automated equipment, the vehicle's registration number must be considered prima facie evidence that the vehicle's owner was its operator at the time the violation occurred. However, in the case of a leased or rented motor vehicle, the presumption must be that the lessee was the operator.

After the pilot program has been authorized by the mayor and Board of Aldermen, and before it can commence, New Haven must prepare a detailed plan of operation that must include the (1) program's objectives, (2) intersections where automated enforcement will be used, and (3) methods and criteria that will be used to evaluate the program's results and success in achieving its objectives. The plan must be submitted to DPS for review, comments, and recommendations; and within 30 days, the public safety commissioner must issue an official letter of approval to the city. New Haven must conduct the program in accordance with the approved plan. Once approved, New Haven must send a copy of the plan and approval letter to the DOT and report the locations of the intersections with automated enforcement to the STC.

The automated enforcement devices used in the program may be (1) activated and record images only upon detecting the approach of a motor vehicle and a probable violation and (2) used only at an intersection where the duration of the yellow signal on the traffic light is at least the duration recommended in STC regulations.

## **VIOLATION PROCEDURES**

### ***Issuance of Citations***

A sworn police officer must review violations recorded by the automated devices. If after review, the officer finds probable cause that a violation occurred, the officer must issue a citation and has five days after the alleged violation to mail it to the registered owner of the vehicle along with copies of any images that were produced. Citations may only be issued if a sign notifying drivers that automated enforcement is in use was posted on the street at least 30 days before the device is put into use.

### ***Prosecution of Violations***

The bill requires New Haven to adopt an ordinance establishing a hearing procedure for violations under the pilot program. It also requires New Haven's mayor to appoint one or more hearing officers who cannot be police officers or anyone else who works for the police department.

The bill gives New Haven up to 12 months after the expiration of the final period for the uncontested payment of fines, penalties, fees, and costs associated with violations detected and recorded under the program to notify the vehicle owner or lessee. The notice must be sent by first class mail to the address of the registered owner or lessee of the vehicle according to records of DMV or the lessor. The notice must inform the alleged violator:

1. of the allegations against him or her and the fines, penalties, costs, or fees due;
2. that the person has the right to contest the charges before a hearing officer by delivering written notice by mail or in person

within 10 days of the date of the notice;

3. that if the person does not demand a hearing, an assessment and judgment must enter against him; and
4. that the judgment may issue without further notice.

If the person wishes to admit liability for the violation without requesting a hearing, the bill permits payment of the fine and any other amounts due, either in person or by mail, to an official the city designates. The payment is inadmissible in any civil or criminal proceeding to establish the person's conduct or any other person making the payment. If the person does not deliver or mail the written demand for a hearing within the 10-day period, he or she is deemed to have admitted liability and the person designated by the city must certify the failure to respond to the hearing officer. The hearing officer must enter and assess the fine and any other charges and proceed.

### ***Hearings***

Anyone requesting a hearing must be given written notice of its date, time, and place. The hearing must be held between 15 and 30 days after the mailing date of the notice, except the hearing officer may grant a reasonable request for postponement or continuance for good cause. The city must file and retain an original or certified copy of the initial violation notice and it is deemed a business record under state law and considered evidence of the facts it contains.

The alleged violator may present evidence at the hearing on his or her own behalf and the police officer who issued the citation must be present at the hearing if the alleged violator requests it. A designated city official, other than the hearing officer, may present evidence on the city's behalf. If the person fails to appear for the hearing, the hearing officer may enter an assessment of default upon a finding of proper notice and liability under the ordinance.

The bill permits the hearing officer to accept from the alleged violator copies of police reports, DMV documents, and other official

documents by mail and may determine through them that the person's appearance is unnecessary. The hearing officer must conduct the hearing in the order and form, and with methods of proof, the officer deems fair and reasonable. Rules on admissibility of evidence must not be applied strictly, but all testimony must be given under oath or affirmation. The officer must announce a decision at the hearing's end. If the officer finds the person is not liable for the violation, the officer must dismiss the case and enter a written determination accordingly. If the officer finds the person liable for the violation, the officer must assess the fine and any other charges applicable under the ordinance.

### ***Judgment of Assessment***

If the assessment is not paid when the decision is entered, the hearing officer must send an assessment notice to the person by first class mail and file a certified copy with the clerk of a Superior Court designated by the chief court administrator with an \$8 entry fee. The court filing must occur not less than 30 days or more than 12 months after the assessment mailing. The certified copy constitutes a record of assessment. Multiple assessments against the same person within a 12-month period may be accrued and filed together as one record of assessment. The bill requires the court clerk to enter judgment against the person in favor of the city in the amount of the record of assessment and court costs of \$8. Notwithstanding any other state laws, the hearing officer's assessment, when entered as a judgment, has the effect of a civil money judgment and a levy of execution on the judgment may issue without further notice to the violator.

### ***Appeal to Superior Court***

The person against whom the assessment has been entered may appeal to the Superior Court within 30 days after the mailing of the assessment notice. The appeal may be made by filing a petition to reopen the assessment together with an entry fee equal to the amount required under state law for a small claims case. The chief court administrator must designate the court to hear appeals. The person is entitled to a hearing in accordance with the court rules.

**PILOT PROGRAM REPORT**

New Haven must submit a report to the Transportation Committee on the conduct and results of the pilot program by June 30, 2012. The report must compare and analyze:

1. the number of violations that occurred at the intersections where the automated enforcement system was used both before and during the period of the program;
2. the number and type of related traffic violations and accidents that occurred at those intersections both before and during the period of the program; and
3. the number of traffic light violations, related violations, and accidents that occurred at intersections where automated enforcement devices were used and at similar intersections where they were not used.

The report must also describe (a) situations in which the camera results could not be or were not used; (b) the number of leased, out-of-state, or other vehicles, including trucks, where enforcement efforts were unsuccessful; (c) the revenue from fines retained by the city; (d) the cost to the city of the pilot program; and (e) any other data or comparisons the city deems of interest or importance.

**BACKGROUND*****Special Act***

OLR does not analyze most special acts. But this bill, which would become a special act if enacted, is analyzed because of the significant interest in the issue of automated traffic enforcement during this legislative session and the complex and unusual nature of the legislation.

***State Traffic Commission Standards for Yellow Light Cycle***

State Traffic Commission regulations governing traffic light cycles specify that the yellow change interval of a traffic signal should be in the range of three to six seconds (Conn. Agencies Regs. § 14-298-713).

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea    24    Nay   12    (03/09/2009)